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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-199111

DATE: March 17, 1981

MATTER OF: Lieutenant Colonel Charlene P. Holt, USAR

DIGEST: Army member whose household goods shipment exceeded her weight allowance seeks reimbursement for the excess weight charge on the grounds that the movers arrived 2 days earlier than expected and packed goods which were not to be shipped because she was unable, for reasons beyond her control, to supervise the packing. The claim is denied since there is no authority for the Government to pay a member's transportation costs in excess of those authorized by statutory regulations.

Lieutenant Colonel Charlene P. Holt, USAR, Medical Corps appeals our Claims Division's denial of her claim for reimbursement of ~~the~~ excess weight charges incurred in the transportation of her household goods from her home in Weiser, Idaho, to her first duty station in Tacoma, Washington. For the following reasons Colonel Holt may not be reimbursed.

By orders dated May 31, 1978, directed to her at her home in Weiser, Idaho, Colonel Holt, then a major, was ordered to active duty and was assigned to Madigan Army Medical Center, Tacoma, Washington, with a reporting date of August 25, 1978. Colonel Holt indicates that pursuant to these orders, she contacted the transportation office at the nearest military installation, Mountain Home Air Force Base, Idaho, and made arrangements for her household goods to be shipped to Graham, Washington, near her duty station.

Colonel Holt says that in planning her move to Washington, she intended to ship only a portion of her property by Government movers. She and her husband intended to either move themselves, sell or donate to charity the remainder of their property.

Colonel Holt states that on August 1, 1978, a representative of the moving company met with her to assess the property to be shipped and that she

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informed the representative that certain property would not be moved. She also states that during this meeting it was agreed that the movers would begin packing on August 10.

On August 7, Colonel Holt and her husband began moving some of their property to Graham, but when she called her home on August 8 she was told that the movers had arrived and were packing her property. She says that she spoke to the packers on the telephone and asked them to delay their packing until she returned, but that they said that because there was so much property to be moved they had to begin packing on August 8 to get the shipment to its destination on time.

Colonel Holt indicates that she and her husband started home but were delayed when her husband injured his back. When she returned home she discovered that the movers had packed property not intended for shipment. She could not clearly separate the goods which were not to be moved from the rest of the property and as a result her shipment contained about 4,000 pounds more of her property than she had intended. The weight of this shipment was subsequently determined by the Army to be in excess of Colonel Holt's maximum weight allowance.

Colonel Holt does not contest the fact that the shipment of her household goods was over her authorized weight allowance. Rather, she contends that the movers knew that some property was not to be shipped, and that she should not be held liable for the excess transportation charges since the overage in shipping weight was due to the movers early pickup which she did not authorize or ratify. Also, she states that her husband's injury prevented her from supervising the movers.

Section 406 of title 37, United States Code (1976), provides for the transportation of baggage and household effects of members of the uniformed services in connection

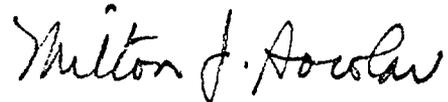
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with a change of station to and from such locations and within such weight allowances as may be prescribed by the Secretaries concerned.

Paragraph M8002-1 of Volume 1, Joint Travel Regulations (1 JTR) provides that household goods within specified weight allowances may be transported at Government expense. Paragraph M8007-2 of 1 JTR provides that the Government's maximum transportation obligation is the cost of a through household goods movement of a member's prescribed weight allowance in one lot between authorized places and that all excess transportation charges are to be borne by the member.

While it is unfortunate that the movers arrived before they were expected and that Colonel Holt's husband's injury prevented her from supervising the packing of her property the liability of the Government is limited to that provided by the law and regulations. We are not aware of any authority which would allow payment for the excess weight charges in these circumstances. See B-190541, November 28, 1977; B-154002, July 9, 1964; and B-151567, August 1, 1963.

Accordingly, the action taken by our Claims Division disallowing Colonel Holt's claim is sustained.



Acting Comptroller General
of the United States